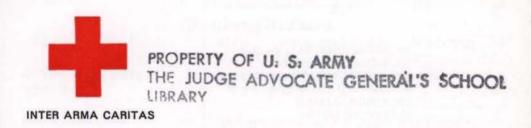
international review of the red cross



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ISLAM AND INTERNATIONAL HUMANITARIAN LAW¹

by Yadh ben Ashoor

Contemporary political analyses and studies concerning Islam often bear the mark of ethical values and judgements that obtain in the cultural context of the authors.

In this respect, two main tendencies can be discerned. The first, which we might call "Western-centred", is to be found in the works of specialists in Oriental or Islamic studies who have been trained in the West and are thence impregnated with its culture. When analysing Islam, they judge it on the basis of the moral or political norms pertaining in the West. The second, which could be characterised as "apologetic", generally finds its reflection in the writings of Moslem thinkers who, reacting against the first school's attacks on Islam, try to glorify it and, in particular, set out to identify in Islam all the cultural notions and inventions of the modern world, in other words, the Western world. According to this second school, Islam is, for example, the inventor and disseminator of democratic government, socialism, the separation of powers, human rights and humanitarian law.

The conflict between these two tendencies is more apparent than fundamental. For in fact, both assess Islam in relation to the same reference points, and both—in one case consciously, in the other unconsciously—see Western cultural values as incomparably better. In this regard, the first school implicitly or explicitly condemns Islam and places the Islamic civilization among those imagined to be backward; on the other hand, the second tries to show that Islam is in no way

¹ Lecture given on 11 October 1979 during the African Seminar for French-speaking countries on the dissemination of international humanitarian law, organized by the ICRC and the Tunisian Red Crescent in Tunis from 9 to 19 October 1979.

backward and merits consideration with the major currents of modern thinking.

The first methodological problem encountered in a subject such as this lies precisely in trying as far as possible to leave aside these two controversial approaches.

The second methodological problem stems from the different historical development that should be taken into account in any comparison between the norms and precepts of Islam and the rules of humanitarian law. Islam has its origins in the last part of the 6th century and first part of the 7th century of the Christian era; it necessarily bears the mark of this period, particularly in terms of questions relating to war, the use of arms, the fate of prisoners and non-combatants, etc. The nature and scale of modern warfare, the moral concerns of present-day nations, and the conduct of relationships between the various human groups, however, have little in common with what they were in the 6th and 7th centuries. Any attempt to analyse the Islamic approach to international humanitarian law therefore involves accepting approximate interpretation and reasoning by analogy. As such, the analysis from the outset cannot be very strict.

Finally, it can be noted that, although Islam constitutes a unit of civilization, the Islamic world is made up of a whole range of nations and cultures and there are many important interpretations and readings of the Koran. In this article, we shall be referring to the dominant Sunnite reading.

Our main sources are the works entitled Siyar, which are devoted particularly to the law of warfare.

Worthy of special mention is the work of Al Aouza'i (who died in 774) entitled *Kitab assiyar*. We know of this work because of the criticism levelled against it by Abu Youssef, disciple of Imam Abu Hanifa who founded the Hanefite school. It was published in Cairo in 1939 by Abu Alwafa al Afghani as *Kitab arrad 'ala Siyar al Aouza'i*. We are also familiar with the work through the extract cited by Imam Châf'i in the seventh volume of his *Kitab al Um*.

A better-known war treatise was written by Chaybani in the 8th century. Chaybani was another disciple of Imam Abu Hanifa. We have become aware of his *Kitab assiyar al kabir* as a result of the commentary drawn up by Sarkhasi in the 12th century and published by Salah eddin al Munjid in 1971.

Whilst it would be of interest to describe here the Islamic conception of war and its legitimacy, such considerations would go beyond the scope of our subject in that this would automatically bring into play ethical, legal and religious premises. Consequently, our analysis will be limited to the following points: the first, and probably the most important, will deal with the legal situation and treatment of combatants taken prisoner, the second with the fate of the non-combatant population, and the third with the Islamic standpoint on the enslavement of the losers of the war.

I. Situation and treatment of combatants taken prisoner

According to the principles of Islam

The problem of the actual conduct of war has not been paid any special attention by Moslem writers. At a time when weapons were far less lethal than they are now, and when there were no mass-destruction weapons, it is only natural that this question did not arouse attention. All means of gaining victory, including the use of strategems of war, were therefore considered justifiable.

One of the most crucial problems in humanitarian law relates to the situation and fate of prisoners of war, and it is discussed in the Koran itself on three occasions.

The first mention comes in surat VIII, verses 67-68; these verses were revealed in relation to the prisoners of the Battle of Badr, the first between Moslems and infidels. Some hesitation appeared as to what should be done with these prisoners, this being the first time that the prophet and his companions had been faced with this problem. Some companions advised the prophet to keep the prisoners and to demand a ransom later on. Omar, the future Caliph, advised that they be executed. The prophet decided to follow the advice of the majority, and at this point came the verse passing censure on the prophet for having kept prisoners and having been tempted by the ransom he expected to receive from his enemies.

In substance, the verses state: "It is not behoven to a prophet to take captives before the enemy has been crushed; you desire the riches of this world whereas Allah's desire is to give you the other world...".

In these verses, the holy word thus condemns the very act of taking prisoners of war. Certain scholars have interpreted this to mean that all combatants, including prisoners, have to be killed to a man.

It will be noted that this text appeared at the time of Badr, in other words when Islam was in the throes of birth and therefore still fragile and when the State could not provide for prisoners.

As a result, certain interpreters see these verses as bearing only on that specific situation, and this point of view finds support in a subsequently revealed text which constitutes the second Koranic revelation on prisoners.

This occurs in verse 4 of surat 47 (Mohammed), which can be translated as follow: "If you encounter infidels, beat them until they are routed and tighten their shackles; then, when the war is over, render them their freedom (mân) or exchange them for a ransom (fida)".

From this text we can see that captivity, which is obviously only of a temporary nature, must of necessity give rise to unconditional freedom or freedom bought with a ransom. It is up to the political authority to choose between these two solutions on the basis of general interest. The execution of prisoners thus becomes illegal.

The third text, a later one than the second, is phrased in still stricter terms. It is contained in the verse of the "Sword" which is the fifth in the surat 9 of Repentance: "When the months 1 have expired, kill the idolaters wherever you find them, take them, beseige them, ambush them. If they repent, follow the prayers and pay the "zaket", free them, for God is lenient and merciful".

Certain scholars consider that these verses abrogate the one on freedom or ransom and that, consequently, the execution of prisoners of war is essential.

If we compare these three texts from the Koran, it is clear that they are not in agreement; it is not surprising, therefore, that the scholars of Islam have differing opinions on this question.

If we now return to the tradition of the prophet, we can see that, on this point as well, there are no fixed standards, and that the problem of the ultimate condition of the prisoner has been solved in several ways.

The siyars, the Hadith books, the Koranic exegeses (especially the exegesis of Al Jassas: *Ahkam al qur'an*) point out that the prophet is said to have ordered the execution of certain prisoners at Badr, such as Nadhar Ibn Harith, or at Uhud, like Abu 'iza, the poet.

But these same sources describe the prophet as having made wide use of unconditional freedom and as having had recourse to the "fida"

¹ It should be noted that Islam sanctioned the existence of four sacred months during which it was illegal to wage war.

in two ways—either the ransom or an exchange with Moslem prisoners who had fallen into the hands of the enemy.

Confronted with these facts, the Sunnite scholars provide divergent solutions: some restrict themselves to the "fida" and the "mân", set out in the fourth verse of the surat of Mohammed; others dismiss the "mân" and accept the other solutions; yet others accept all the solutions, with the choice falling to the political authority: death, freedom, ransom, exchange or enslavement. We shall return later to this last point.

Divergences also appear as to the practical implementation of each of these acts.

These doctrinal divergences over the interpretation of the Koran and the Sunnah are in complete contrast to the virtual unanimity of modern Moslem thinkers, who retain only the solution given in the surat of Mohammed, which these authors see as the only one constituting the standing legislation of Islam, in that all counter-provisions are purely temporary or relate to one sole instance. There are thus three solutions accepted: when the fighting is over, enemy prisoners must either be freed, or exchanged against those held by the enemy, or again freed upon payment of a ransom.

This is the viewpoint of scholars such as Professor Wahbat Azahili, in his book *The Effects of War in Moslem Law*, Ali Ali Mansoor in *Islam and International Law*, and Mohamed Kamel Eddin Imam in *War and Peace in Islamic International Law*. Modern interpreters of the Koran opt for the same solution, Sayed Kotb, for example, in his exegesis *In the Shadow of the Koran*, and Sheik Mahmood Shaltoot.

According to custom

Let us now look at how prisoners of war were actually treated during the initial stages of Islam.

In this respect, it should be remembered that we are discussing an era when the individual did not have the same intrinsic value as he does nowadays, nor did his subjective rights retain the same degree of attention. Attention was, on the contrary, focussed mainly on the group and its survival. At the time when Islam was born, the ethics of the warrior paid no heed to considerations about the value of the individual. The mores of the period were characterised by extreme violence, by adherence to the law of retaliation, and by practices that are presently qualified as cruel or barbarous: the enemy was crucified, mutilated,

dismembered and beheaded. Both men and women took part in these practices.

In this sphere Islam made a break with the past. Certain practices and atrocities are unconditionally condemned, whether or not there is a state of war. An example of this is the pre-Islamic custom allowing a father to bury his daughters alive. As regards the attitude of Islam towards the treatment of combatants taken prisoner, there are in reality two principles involved. The first is the principle of reciprocity. The second teaches that all unnecessary suffering must be avoided. Scholars are unanimous in stating that it is illegal to inflict degrading or inhuman treatment on enemy combatant prisoners. There can be no doubt whatsoever that, although Islam is still influenced by the methods of warfare in use at the time it was born, it has nonetheless taken a significant step forward towards the moralization and humanization of war.

The Hadith books mention a number of important facts in this respect. Thus, at the battle of Badr, the prophet is said to have recommended his fellow-warriors to show goodwill towards the prisoners. Having seen that some prisoners had been exposed to the sun during a battle, the prophet ordered that they should not suffer the heat of the day in addition to the heat of their weapons.

Similarly, traditional writings state that prisoners were well fed. The attitude adopted by the prophet and his companions during their battles is thus the basis upon which scholars consider it proper that prisoners of war be well-treated, and that the imposition of thirst, hunger or exposure to the sun is, on the contrary, to be prohibited. This is the thesis of Imam Abu Youssef in his *Kharrai*, for example.

The Islam standpoint is extremely clear as regards combatants killed in battle. In Arabia, and indeed elsewhere, there was a custom consisting of mutilating the bodies of enemy combatants. Among the Arabs, women participated in these sinister practices, sometimes devouring the enemy's liver to avenge a husband or brother who had been killed in the battle.

For example, during the Battle of Uhud, Hind, mother of the future Caliph Muawia, indulged in this kind of mutilation of enemy corpses. Hind concentrated in particular on the uncle of the prophet, Hamza, by disemboweling him and crushing his liver. When the enemy retreated and the Moslems returned to bury their dead, the prophet, who had considerable affection for his uncle Hamza, found him lying on the battlefield in this lamentable condition and shouted "By God, if God gives us victory over them, I shall punish them as no Arab has ever done".

The interpreters of the Koran explain that, at this point, the famous verses 127 and 128 of the surat of the Bee were revealed: "Let thy punishment befit the crime thou hast suffered, but thou woudst do well nonetheless to arm thyself with patience. Therefore be patient, thy patience will be possible only with the help of God. Grieve not because of them, and let not their plot cause anguish in thee. God is with those who are kind and who fear Him".

On the basis of these texts, the Sunnite scholars condemn the mutilation, torture and drowning of combatants, whether they be dead or alive. Such is the standpoint of Imam Chaf'i, for example, in his Kitab al Um (part IV), and of Chawkani in his Naīl al Awtar.

Another practice current at the time consisted of cutting off heads and sending them to the authorities. In his Siyar, Chaybani reports that Caliph Abu Bakr condemned this practice, and the conduct of the first four Caliphs is the equivalent of a norm under Islam. In response to this, Abu Bakr was told that the enemy behaved in a like way towards the Moslems, and that consequently the law of retaliation should be applied. Abu Bakr replied: "Are we going to follow in the footsteps of the Persians and Byzantines?" This occurrence is described by Al Baïhaqi in his collected papers.

There can be no discussion either of the fact that Islam condemns immoral practices on enemy combatants, such as disrobing them or violating their modesty. Islam considers such acts to be illegal in themselves, and in absolute terms. The Islamic moral code is very strict on this point.

Without burdening ourselves with details, we can note that most Hadith books—such as those of Boukhari, Muslim and Al Baïhaqi—as well as other classical works contain numerous examples from the Sunnah in which the prophet recommends adopting a humanitarian attitude towards enemy prisoners or condemns the excesses of his lieutenants, as was the case for Khaled ibn al Walid.

II. The fate of the non-combatant population

Scholars unanimously agree that the general principle governing the non-combatant population is that no non-combatant may be put to death. They base this opinion on the text of verse 190 of the surat of the Heifer: "Fight in the way of God those who fight you, and do not attack anyone, for God has no love for the unjust".

When looking at the legal situation of non-combatant populations, we are confronted with a rapidly changing phenomenon, because of the way in which the nature of wars themselves has changed.

At the time of the prophet, battles were fought among tribes or groups within limited areas. War was a personal rather than a territorial affair. As a result, non-combatant populations, together with their property, suffered the same fate as that of the combatants. These populations became "sabaya" and, with their property, formed part of the spoils ("ghanima").

We must therefore keep in mind the fact that war was then an exercise in group solidarity. All able-bodied men took part in the battles, so in the last resort the fate of the non-combatant populations depended on that of the warriors. If the latter were vanquished, the "civilian population" was assimilated, as slaves, into the overall gains from the war, and was thus divided, with the other spoils, among the victors. There is a consensus of opinion on that point among scholars.

On the other hand, the liberation of the "sabaya" is the subject of much discussion. The Hanefites do not accept it. Other schools are prepared to accept it, but under a number of conditions, above all that the victorious warriors who possess the spoils approve.

Most scholars feel that the legal status of the "sabaya" depended, in the last resort, on the political authority, which could choose between liberation, "fida" and enslavement.

The status of "sabaya" thus corresponded to a stage when wars were inter-tribal affairs calling for solidarity. But, very early on, it became clear that the system was impractical when wars were no longer fought between tribes but between vast inhabited empires with permanent armies. In these cases, the fate of the civilian populations was governed by new laws promulgated by Omar Ibn al Khattab.

The peoples of Iraq never had the status of "sabaya", but were permitted to remain free in exchange for the payment of a special annual tax, the "jiziah", which was a personal tax. These peoples, who thus found themselves in a land that had become Moslem, acquired the status of "dhimmi", the name given to non-Moslems living in an Islamic territory. Their rights were guaranteed: the right to be defended and protected by the State, the right to practise their religion freely, the right to their own social institutions and personal laws, to dispose of their possessions, to move around freely, etc.

Consequently, the status of the non-combatant populations is not that of "saby", enslavement, but freedom, upon payment of a tax.

Omar left the conquered lands to their owners in return for the payment of a new tax, the "kharraj".

The treatment of non-combatant populations is governed by the prophet's Hadith, in which it is said that prior to battle the prophet told his lieutenants: "Go to war in the name of God and follow his path; fight the infidels, but do not deceive, do not betray, do not mutilate and do not kill any children".

There are precise directives regarding women, children, old people and monks or men of religion. In this respect, Abu Bakr recommended Yazid Ibn Abi Soofian, 'Amr Ibn al 'As and Sharhabil Ibn Hassanah, before the conquest of Syria: "Do not attack children, women or elders; and you will find people who have sought seclusion in towers, leave them to devote themselves to what they are seeking".

Two fundamental ideas underlie these directives: sparing the civilian population from suffering, and respecting, in particular, men of religion.

Opinions are still divided, however, as regards acts of destruction of property, towns and non-military installations of the enemy. Chaybani maintains that they are legal, and says that Abu Youssef shares this view. On the other hand, Al Aouza'i judges them to be illegal.

A number of works give accounts of relevant directives issued by Abu Bakr, who is said to have given ten commandments to one of his generals: "Do not kill any women, children, elders or wounded. Do not have fruit-trees or date-trees cut down. Do not burn them. Do not destroy inhabited places. Do not have cows or sheep drowned. Do not be guilty of cowardice, but do not be inspired by hatred".

Under Moslem law, the enemy's property forms part of the "ghanaïm" (spoils), for the distribution of which there are special rules and which, prior to being shared out, belong as a whole to the entire community. Consequently, a Moslem soldier is not permitted to indulge in looting or stealing the property left behind by the enemy. Such an act, moreover, falls within what the Moslem law of warfare terms as "ghulul", and which constitutes a kind of war crime that is heavily sanctioned.

The conclusions we have been able to draw regarding the humane treatment of prisoners of war also apply, of course, to civilians.

III. The problem of slavery

It cannot be denied that, at its origin, Islam did not abolish slavery, since the latter could be the fate reserved for a prisoner of war and

could, in principle, even be applied to civilian populations if the military or political authority decided to submit them to "saby".

This fact may appear somewhat paradoxical and, at all events, contrary to the overall philosophy of Islam, which is one of freedom and equality. Once again, however, we must look at Islam in its historical context.

When Islam was born, slavery was a dominant institution throughout the world, and its occurrence in the wake of wars was one of its main sources. Islam could not take an attitude that ran counter to the situation that obtained at the time.

Nonetheless, we know that the status of "saby", whilst remaining theoretically valid for legal scholars, virtually ceased to exist under Omar. The civilian populations of a land which fell to the forces of Islam retained total freedom and were taxed of ("kharraj").

It should further be recognised that the legislation drawn up under Islam in its infancy was to limit the effects of that institution as far as was possible. The Koran, the Sunnah and the attitude of the prophet's companions were all directed towards one and the same result. The verses in the Koran which glorify the setting free of slaves as an act of goodwill and godliness are innumerable. A man is said to have asked the prophet: "Tell me an act which will keep me from hell and bring me nearer to paradise". To which the prophet is said to have replied: "Free a slave".

There are also Hadiths that condemn the ill-treatment of slaves. The prophet is said to have rebuked Abu Dhar al Ghifari for having insulted one of his slaves, saying: "God has placed slaves in your hands, and whosoever has received a brother in his hands shall have him eat what he eats, wear what he wears, live where he lives, and shall not burden him with what he himself cannot bear, save that he help him".

First of all, Islam reduced the sources of slavery. These sources were basically the following: enslavement following war, for crimes or to compensate for crimes, for debts, by decision of the head of the family, self-inflicted slavery and heredity. Islam preserved only two sources: slavery following war (which is of interest to us here) and for reasons of heredity.

Furthermore, Islam greatly encouraged disenslavement by making it a means to atone for a sin or a wrong. This was the case for unintentional crimes, breaking the fast during Ramadan, or breaking an oath, etc.

At the same time, Islam set up legal channels through which a slave may purchase his freedom, such as "mukatabah" whereby the slave earns his liberty by rendering a service, or the institution of "um al walad" whereby a female slave who gives birth to a child by her master automatically gains her freedom. The prophet said: "Her son has freed her".

In the final analysis, Islam thus closed many of the doors by which an individual entered into slavery and, at the same time, opened new doors for a slave to become free. These facts enable contemporary Moslem authors to say that Islam did not simply ratify the legislation on slavery that existed prior to its creation, but that its own laws favoured the setting free of slaves. This standpoint is adopted, for example, by the great Azharist academic, Sheik Mansoor Rajeb, as well as Sayed Kotb and Mahmood al Akad. The overriding tendency among contemporary authors is to argue that the disappearance of slavery in the world is not only not contrary to Islamic provisions on the question, but is in total conformity with Islam.

It can be concluded that classical Moslem law contains rather divergent positions on modern humanitarian law. Its attitudes often coincide with those of international humanitarian law; occasionally, however, they diverge from it. Classical jurists analysed the problems of the law of warfare from a different standpoint than our own.

But it would be wrong, and contrary to the precepts of Islam, to end on that statement. For it should not be forgotten that, on the legal front, the methodology adopted by Islam is founded on effort ("ijtihad"). Consequently, it is the duty of contemporary Moslem jurists to adapt classical solutions and interpretations to the needs of the times. The only condition is that the results should not run counter to the letter and spirit of the Koran or the Sunnah, but should foster the interests of the Islamic community. In fact, nothing in the Koran or Sunnah seems to be in direct contradiction to international humanitarian law. The opinions of certain great scholars should only be saken as doctrinal standpoints, and these must be divested of their pacredness that the fortuities of history have bestowed on them.

Yadh ben ASHOOR

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The Fundamental Principles of the Red Cross

COMMENTARY

by Jean Pictet

(continued)

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INDEPENDENCE

The Red Cross is independent. The National Societies, while auxiliaries in the humanitarian services of their Governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with Red Cross principles.

The statement in the Proclamation comprises three elements: the general principle of independence, the auxiliary quality of the Red Cross, and its autonomy in relation to public authorities. We shall deal successively with each of these three elements.

1. THE GENERAL PRINCIPLE OF INDEPENDENCE

The Red Cross is independent, the Proclamation states, in simple and lapidary terms. The statement of the conditions for recognition of new National Societies (Point 10) refers to political, religious and economic independence.¹

The reasons for Red Cross independence are so obvious that there is no need to discuss them at great length. Under the penalty of being something else than what it is, the Red Cross must be sovereign in its

¹ The General Assembly of the United Nations in Resolution 55 on 19 November 1946 encouraged member nations to assist the Red Cross Societies and asked that their benevolent and autonomous character be respected at all time and under all circumstances.

decisions, acts and words; it must be free to show the way towards humanity and justice. It is not admissible for any power whatsoever to make it deviate from the line established for it by its ideals.

This independence is also the guarantee of the neutrality of the Red Cross. It enables every Society to work in a community of spirit with its sister Societies. It is also essential, as we have seen, for the Red Cross to inspire the confidence of all parties. It must be able to bring together all people of good will and not exclude any particular groups. Independence therefore, though a derivative principle, is essential for Red Cross action.

The ICRC and the League have clearly asserted their independence in their statutes. Some people have wondered whether there is a sound basis for this in the case of the League, in view of its multinational composition. In so doing they display a confusion which should be dissipated. When we refer to an association of any kind, we cannot speak of its independence in relation to its own members, due to the very fact that it emanates from them. In this respect, the ICRC does not differ from the League. Furthermore, an association only depends upon its members to the extent that they participate in its direction and management, within the framework of their statutory power. Apart from that, the fact that a National Society delegates one of its members as a representative at the General Assembly of the League or even its Executive Council does not give it the power to exercise a direct and preponderant power over the federation. Therefore, when we refer to the independence of an association we are thinking of its independence with regard to outside forces, in particular governments and intergovernmental organizations.

It is naturally in connection with politics, both national and international, that this independence must be asserted. We have noted that neutrality requires that the Red Cross institutions refrain from any involvement in internal or external politics. Reciprocally, to preserve their independence, it is vital for them to exclude firmly any intrusion of politics into their own sphere of action.

The Red Cross must also resist any pressure of a social or economic character. It cannot let any class, pressure group or even public opinion turn it away from the path defined for it by its objectives. Likewise, it

¹ Statutes of the ICRC, 1952, Article 1, paragraph 1. Constitution of the League, 1977, Article 1, paragraph 3.

cannot tolerate any interference resulting from financial pressure, nor any divergence from its course that might be pressed upon it, even indirectly, by the giving or withholding of money. The fact that the work of the Red Cross depends mainly upon donations renders this condition difficult, but no compromise can be permitted.

If the Red Cross is lacking in material power, it is from this very weakness that it derives its true strength. States may rest assured that in a world dominated by self-interest there is at least one institution which escapes from that prevailing rule; that where opportunism and compromise are predominant, the Red Cross acts without any ulterior motive and provides no opportunities for intrigue; that in a world marked by hatred, the Red Cross is concerned only with human brotherhood.

Finally, and for the same reasons, the Red Cross cannot associate with any other institution which does not have absolute respect for its moral and material independence, for any deviation from this course would have fatal consequences. If the Red Cross co-operates with other humanitarian organizations, it is only on the condition that these institutions, in the common work, fully respect Red Cross principles.¹

2. AUXILIARY STATUS

Even though the auxiliary status of Red Cross Societies is mentioned in the Proclamation only in an incidental manner, noting that the Societies are auxiliaries in the humanitarian services of their Governments and subject to the laws of their respective countries, and under a heading which does not use the word "auxiliary", this auxiliary status nevertheless constitutes one of the fundamental principles of the Red Cross. Because of it, the Red Cross is at one and the same time a private institution and a public service organization. The very nature of the work of the National Red Cross Societies implies co-operation with the authorities, a link with the State. Furthermore, as the Proclamation emphasizes, these Societies are subject to the law of the land; it could not be otherwise.

Under modern conceptions of social order, the general task of providing assistance to underprivileged individuals falls mainly upon the States, as the only entities having the necessary authority and sufficient resources to cope with undertakings of this magnitude.

¹ This condition is set forth in the Oxford Principles, Paragraph 12.

The Red Cross cannot take the place of the State; it can only make a contribution in proportion to its resources. This contribution is mainly in the domain of private charity and of individual initiative. It is in this way that it makes itself useful, and indeed indispensable. Even if the public authorities have powerful means at their disposal, they are not always in a position to assist all of those in need, especially if the latter belong to an opposition party or to an insurrectionary group, nor can they bring about the personal and human relationship between those who help and those who are helped, which is so enriching to all concerned. Furthermore, even the best equipped official agencies may be overwhelmed by exceptional events. Along with action by the State, there is therefore a need for spontaneous and disinterested action, in particular that of the Red Cross. For the Red Cross, this auxiliary status is an important but derivative principle, for this idea does not flow from the ideal objective of the Red Cross but is rather a practical consequence of the conditions under which the Red Cross works.

The National Societies are auxiliaries first of all of military medical services. In the beginning, they were created only for this purpose. Even though this is no longer their only task, nor even as a rule the major one, it still has great significance.

To become a member of the International Red Cross, a Society must first have been recognized by the government of its country as an auxiliary of the military medical services. It is also because of this role as an auxiliary that the Red Cross Societies acquire a status under the provisions of humanitarian law, benefiting from the protection of the Geneva Conventions and gaining the right to display the emblem of the red cross. It is specified that the personnel of the Red Cross Societies are assimilated to the military medical personnel if they exercise the same functions and if they are subject to military laws.

This part of its mission is not the only one however, particularly when a Red Cross Society has transferred a substantial part of its energies to peacetime activities. Nowadays, in practical terms, as noted by the *Tansley Report*, the degree of co-operation with the State ranges from complete isolation to symbiosis, at least for certain services. The National

¹ In States which maintain no armed forces, the Societies must be recognized as auxiliaries of other public authorities carrying on activities for the benefit of the civilian population.

Societies have undertaken to operate civilian hospitals, schools for nurses, day nurseries, blood transfusion centres, etc. They have devoted themselves to a variety of social services, to the development of public health, rescue services for the victims of disaster; they train specialized personnel in these fields and set up institutions to care for invalids, see to the interests of detainees, orphans and in general of groups whose conditions are especially difficult or dangerous, such as seamen or miners. They are also concerned with health education, accident prevention and the prevention of drug, alcohol and tobacco abuse. In some countries they even take the place of virtually non-existent official public health services.

The Tansley Report pointed out that the National Societies excel particularly in the emergency phase of assistance, in which they have done much pioneer work and gained irreplaceable experience. They appear to be more at ease under such conditions than in long-term projects. In the field of public health, the Red Cross contribution is sometimes marginal, for the needs are enormous and the Societies work for the most part as specific needs arise and on a charitable basis, as we shall see later. If their actions are to have greater impact, they must be integrated to a greater extent into co-ordinated planning.¹

In all of these tasks, the Societies act as auxiliaries to the public authorities, whether they have received a specific mandate or even a monopoly from the State or, acting in a private capacity, relieve public agencies of duties the latter would otherwise have to assume.

As we see then, in carrying out their major functions, the Red Cross Societies give their humanitarian support to official bodies, in general having larger resources than the Societies, working toward comparable ends in a given sector.

Its auxiliary function is one of the special characteristics of the Red Cross which distinguish it from other charitable institutions. As Mr. Tansley noted, it gives the National Societies a privileged status of which they are not always aware and of which they do not take full advantage. It is true of course that some of these Societies fear encroachment upon their independence and neutrality. On their side, governments

¹ Adoption by the International Red Cross Conference in 1969 of a Resolution on *Principles and Rules for Red Cross Disaster Relief* marked an important advance in this respect.

may sometimes find it advantageous to "go through" their National Red Cross Societies to carry out relief activities, especially in foreign countries. In such cases, their gesture will not appear to be political and the costs will be lower, because of the presence of an existing infrastructure.

3. INDEPENDENCE FROM PUBLIC AUTHORITIES

We have seen on the one hand that the Red Cross must be independent and on the other hand that it is an auxiliary to the public authorities. Gustave Moynier, as early as August 1864, drew attention to the difficulty of reconciling two things which seem to be mutually exclusive, to enjoy the freedom of action of a private charity and to submit to the requirements of military discipline.

However, while the contrast between its private character and its link with the State is one of the particular characteristics of the Red Cross, this presents no insoluble problem. One cannot even speak of a contradiction between the two. What we can say is that proper functioning and satisfactory development of the institution depend upon a proper balance between these aspects. In this as in many other things, it is all a matter of proportion. In practical terms, the *Tansley Report* stressed that there is plenty of room for harmonious co-operation, particularly if we bear in mind that there are fields of activity, such as the teaching of the principles of public health, in which independence and neutrality do not have the same significance as they do in other fields.

The independence of Red Cross Societies in their relations with public authorities must be adequate. When can we say that this is the case, and how can we decide what degree of autonomy they must have? The Proclamation provides the answer and a perfectly satisfactory solution: when a Society has the autonomy it needs to enable it to act in accordance with the Principles of the Red Cross. If this condition is realized, the Society will be free in its decisions and remain true to itself. It will make sure that the voice of humanity is heard; it will act unselfishly and impartially; it will be open to all and in the service of all. It will be truly a constituent of the International Red Cross and be guided by universal standards.

The autonomy of the Red Cross will assure it of the confidence of the public, among those whom it assists and among those upon whom it

depends, which is a vital factor in the event of revolution or civil war. The very fact that the government is the voice of a majority and is inevitably subject to the influence of parties and factions implies that it must sometimes be partisan in its acts. A political body may be in a poor position to act unreservedly on behalf of the whole nation. The Red Cross however must reach out its hand to all human beings who suffer, even if the State does not care about them or excludes them from the national community. It is not permissible for the National Red Cross to be swept away by any change of the regime, at the very time when it is most needed. As an exceptional element of unity amidst discord, it must be able to serve as intermediary between brothers at war with one another.

In our time, when we see governments nearly everywhere extending their grip on society, we are forced to recognize that it will become more and more difficult for Red Cross Societies to maintain their autonomy. They must defend it however, with unceasing vigilance. If they were to become mere tools of officialdom, only in the service of government policy, why should they have a distinct identity?

Let us consider just what influence public authorities do have over the Red Cross, for this is a problem of present-day urgency. We may note first of all that the governments which recognize the Red Cross Societies and their representatives within their own countries participate on a basis of equality with the delegates of the same Societies at the International Red Cross Conferences, a fact which constitutes one of the most interesting aspects of our institution. We should also note that governments have not made abusive use of their voting power. Next, as we have seen, personnel of the National Societies gives assistance to the military medical services, and to a degree is integrated into them, thus being subject to military laws and regulations.

National Societies also carry out other public service functions. For this reason, States grant them subsidies and other benefits, such as tax, customs and postage exemptions, exclusive rights, etc. The auxiliary relation calls for and gives legitimacy to close relations with public services, which is generally very beneficial for the work undertaken. But, since it is rare to receive a favour without having to pay for it, and

¹ It is regrettable, for obvious reasons of principle, for the head of the government delegation to be the same person who heads the delegation representing the Red Cross, but this sometimes happens, for reasons of economy.

nothing is given for nothing, the more generous the authorities are, the more inclined they are to insist on some right to oversee the operations. This may be carried out in various ways. In the simplest form, it consists only of a periodic inspection.

The State often exercises a more direct influence however. In many countries, the law requires that the statutes of the National Society must be subject to the approval of the government. The government may then reserve certain posts of leadership in the Society for its own nominees, and in some cases the head of State chooses the President of the Society. It is more common for the public authorities to intervene in the make-up of the governing bodies, especially the Central Committee, or to have representatives of ministries sit on such bodies ex officio. There are some countries in which the State reserves a majority of the places on such bodies for itself, which must be regarded as abnormal. In most cases however, the solution is a reasonable one which the ICRC and the League consider acceptable, with the government having something less than half of the votes.

The statutes do not however reflect the whole reality. It may be, in a Society in which the government names a number of members of the Central Committee, that these members are then free to act as they see fit. The opposite situation may also occur, in which a Society whose statutes show no apparent State interference may nevertheless be exposed to indirect pressures which, in fact, make it subject to State authority.

In any case, the best assurance of autonomy for the Society is in the democratic structure of its organization and freedom in recruiting. We should bear in mind that such a democratic structure is required by the International Red Cross.¹

It is especially important that effective expression be given to the predominant wishes of its members; that the general assembly should possess certain powers, including in particular that of electing the executive committee or at least the majority of its members. The personalities of the leaders also play a major role; if they are people of authority and independence, they will be able to create a certain impression upon the public authorities and make them understand the basic requirements of the institution.

¹ See the Oxford Principles, Paragraph 9.

Finally, when a government asks the National Society of its country to carry out for it a public service activity and the Society agrees to do so, it becomes an auxiliary of the government, but does not for that reason cease to be itself—an independent body with its own status, obeying its own principles and displaying an emblem which symbolizes the entire institution and its ideals.¹

This means that in carrying out its governmental mandate, the Society will continue to work in accordance with the principles of the Red Cross, as embodied in particular in the Proclamation.

Since social welfare work in our time is constantly expanding, imposing increasingly heavy responsibilities upon the State, it is understandable that the latter should tend to assume a more direct and more authoritative relation with its agents. This is manifested by more precise and detailed legislation, by more highly developed planning and by more exacting control procedures. Such increasing interference may create certain problems and may even involve conflicts with the National Society. It is important that the responsible public authorities, in the directives they lay down, take into account the special status of the National Red Cross and leave it a certain degree of freedom in carrying out its mandate.

For its part, the National Society, before accepting a specific task, will be well advised to examine carefully the conditions under which it will work, in order to make sure that it will be able to accept the assignment without compromising the application of these principles.² Every time, for example, that the social welfare work in question is too intimately involved with politics, it will be advisable for the Society to stay clear of it.

Jean PICTET

(To be continued)

¹ The First Geneva Convention (Article 44, paragraph 2) authorizes the National Societies to use the red cross emblem in peacetime for their activities which are in conformity with the principles laid down by the International Red Cross Conferences. The same criterion is maintained in the 1977 Protocol I, in Article 81 relating to Red Cross activities.

² It would be useful to undertake a study of the implications which the Principles of the Red Cross would have in carrying out social welfare projects and to ascertain precisely what limits a Red Cross Society should place on its co-operation.

INTERNATIONAL COMMITTEE OF THE RED CROSS

President of Hellenic Republic visits ICRC

The President of the Hellenic Republic Mr. Constantin Tsatsos visited the ICRC on 19 March. He was received by the ICRC President Mr. Alexandre Hay, members of the International Committee, the ICRC directors and leading officials of the League of Red Cross Societies.

After seeing a display of the work of the Central Tracing Agency, President Constantin Tsatsos discussed questions of common interest with the ICRC representatives.

ICRC President's mission to the Middle East

From 27 January to 6 February, the President of the ICRC, Mr. Alexandre Hay, went to Kuwait, Bahrain, Qatar, Oman and the United Arab Emirates. He was accompanied by Mr. Serge Nessi, head of the Financing Division, and Mr. Jean-Marc Bornet, regional delegate. This was the first official visit paid by an ICRC President to that part of the Arab world.

Mr. Hay was everywhere most cordially received by the Heads of State, members of governments and leaders of the National Red Crescent Societies.

In his conversations, Mr. Hay described the ICRC's principal activities throughout the world, particularly those carried out in Muslim countries, and the difficult problems it had to face, especially with regard to its swelling financial requirements, which continued to increase owing to its manifold commitments in areas beset by conflict. Mr. Hay's words attracted keen interest and sympathetic understanding. The personal links forged, resulting from his mission, are bound to lead to permanent and fruitful contacts.

This is certainly most encouraging for the ICRC which has expressed its appreciation at the prospect of obtaining assistance for its humanitarian activities. Already, the State of Kuwait has remitted the sum of 1.2 million Swiss francs as an extraordinary contribution for the ICRC's emergency aid programmes.

Central Tracing Agency director retires and successor appointed

The ICRC has appointed Mr. Ulrich Wasser to the post of director of the Central Tracing Agency as from 1 March to succeed Mr. Pierre Basset who has reached retirement age.

Mr. Basset joined the ICRC in 1963. During his seventeen years with the ICRC, he occupied successively several important posts: head of administration and finance, delegate general for the Middle East, assistant director attached to the President's office, head of the Executive Board secretariat and from 1977 director of the Central Tracing Agency. During the last three years, he initiated electronic data processing at the Agency and was involved in the preparatory work for the construction of the Agency's new premises. He will continue his work in connection with this building for the next few months. The ICRC has expressed its warm appreciation to Mr. Basset for the valuable services he has rendered.

The new director of the Central Tracing Agency, Mr. Ulrich Wasser, was born in 1945. He graduated in economics and in 1973 joined the ICRC, where his activities were mainly with administrative and financial matters at ICRC headquarters in Geneva and in various delegations in Africa, Asia, and the Middle East. Before being appointed Tracing Agency director, he occupied the post of management controller of the ICRC.

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An ambulance donated to the ICRC

On the occasion of its fifttieth anniversary, the Geneva International Motor Show has donated to the ICRC a heavy-duty ambulance specially equipped for difficult missions. It was delivered on 20 February to the President of the ICRC by Mr. François Peyrot, President of the Motor Show.

The ambulance was immediately sent to Pakistan, where the ICRC, the League and the Pakistan Red Crescent are giving emergency aid to Afghan refugees in remote mountain areas.

The ICRC is very grateful for this generous gift and demonstration of interest in its humanitarian activities.

Visitors to the ICRC in 1979

During the past year, over 6,000 persons visited the ICRC. Most of the visitors came in parties who had given advance notice of their desire to visit the ICRC and for whom a two-hour tour had been prepared. Visits included every time a talk, followed by a film or a multivision display, on the work of the ICRC and the Central Tracing Agency.

Swiss and French groups constituted the largest number, but there were quite a few, too, who came from Germany, the United Kingdom, the United States and Japan. Altogether, 174 groups visited the ICRC, organized by different National Red Cross Societies (34), nursing training colleges (44), other training institutions (13), schools (43), universities (12), and various other organizations (28). There were also many visitors who came individually.

The ICRC is happy to see that more and more people visit its headquarters and show interest in its activities. A cordial welcome is extended to them all, and every effort is made to organize for them an interesting visit and to spread knowledge of Red Cross principles and ideals by such direct contacts, however brief they might be.

The visitors, for their part, bring the ICRC considerable moral support, and it would like to see them come every year in ever-larger numbers.

EXTERNAL ACTIVITIES

Africa

Appeal for funds

On 15 February the ICRC sent some thirty governments and National Red Cross Societies an appeal for twenty million Swiss francs to finance its humanitarian activities in the Continent of Africa for the first half of 1980.

Delegate general's mission

Mr. Frank Schmidt, ICRC delegate general for Africa, went on mission to southern Africa during the second fortnight of January.

First of all, from 17 to 19 January, he attended in Johannesburg, in South Africa, a meeting of ICRC delegates based in the region.

Then, from 20 to 25 January, Mr. Schmidt was in Zambia where he had occasion to see the ICRC delegation at work and to visit the Solwezi refugee camp in the north of the country. In Lusaka he met the Zambian Minister for Foreign Affairs, and representatives of ZAPU, SWAPO, ANC, as well as those of the HCR and various humanitarian organizations, with all of whom he discussed humanitarian problems caused by the Rhodesia conflict, particularly those related to the imminent repatriation of refugees to Rhodesia.

During the last week of January Mr. Schmidt had a number of talks in Salisbury. He twice conferred with the British Governor, Lord Soames, and he had discussions also with the representatives of the two wings of the Patriotic Front and with notables of diplomatic

and international circles. Mr. Schmidt made contact, too, with the local Red Cross. During these various interviews discussions turned on the ICRC work of protection and assistance in Rhodesia, and particularly on its activities concerning the return of the refugees.

Rhodesia

The British Transitional Government asked the ICRC to participate, by providing medical services, in current activities to enable guerrilleros and civilian refugees in neighbouring countries to return to Rhodesia.

Consequently, at the end of January, two ICRC medical delegates flew at regular intervals to nine of the fourteen assembly points for Patriotic Front forces, in order to assess the medical situation and, where necessary, to provide medical care. The other five assembly points were visited by Patriotic Front doctors.

In addition, two more medical teams have been recruited to assist refugees requiring treatment upon their return: one of the teams, from Finland, is based at the Tegwani mission, on the frontier with Botswana, to tend, in particular, refugees from that country and from Zambia; the other, a Swiss team, has taken up its assignment near Umtali at a place through which refugees pass on their homeward trek. It should be mentioned that the ICRC helps these people only after a selection has been made by the Ministry of Health. This medical personnel reinforces the ICRC previous set-up whose two mobile medical teams carry on their work throughout the country, visiting missions, "protected villages", townships, and so forth.

A Red Cross information campaign has simultaneously been undertaken at the assembly points, where the Information delegates distribute documentary material which is well received by combatants. The showing of films on the Red Cross accompanies the distribution of brochures, strip cartoons and other documents.

The ICRC has also continued its relief activities in January and February for civilian populations affected by the war. In January 285 tons of food, 2.6 tons of clothing, 5.3 tons of soap and more than 800 blankets were distributed among some 70,000 persons throughout the country, and 625 families in townships were given tents, blankets and medical supplies. During the same month ICRC aid to detainees amounted to a value of 1,500 Swiss francs.

Zambia

In February SWAPO asked the ICRC to give medical assistance for some 300 children between the ages of 18 months and six years who were to be trensferred from the Niyango camp to Lusaka. ICRC delegates went to the camp on 11 February and on the same occasion distributed milk and blankets. In addition, medicaments to a value of 2,000 Swiss francs were handed over to SWAPO.

Mozambique

An ICRC doctor, Dr. W. Buss, carried out a mission to Mozambique in December 1979. He went to several hospitals manufacturing prostheses with materials provided by the ICRC. He discussed with officials of the government and of ZANU two projects to give medical assistance to the war disabled.

The ICRC gives technical and financial help to two programmes for the benefit of amputees, including manufacture of artificial limbs and rehabilitation of the disabled. Dr. Buss was able to appraise the progress of the current activities and see where ICRC aid should be stepped up.

South Africa

The ICRC continues assisting the families of detainees in South Africa. Clothing and food distributed in December 1979 was valued at 3,000 Swiss francs and in January 1980 at 1,500 Swiss francs. In addition, in the same two months, the ICRC paid the fare for several families to visit relatives detained in the Robben Island prison.

Angola

The ICRC is greatly concerned for the welfare of the civilian population of the hinterland. At the end of February the ICRC delegation in Luanda signed an agreement with the National Red Cross Society of Angola for a joint project to provide that population with food for six months.

Chad

The ICRC continued visiting various prisoner-of-war camps in the BET (Borkou-Ennedi-Tibesti) region of northern Chad in January. It also distributed more than seven tons of food for prisoners' families in N'Djamena and to several of the country's hospitals.

The ICRC organized several transfers of people between the north of the country and the capital, and also from the capital to the south of the country. In February 37 adults (former prisoners of war, interned civilians, etc.) and 67 children were thereby able to return to their homes.

These operations took place while talks were going on among the various factions in Chad on the release of all prisoners of war. In this connection we would mention that the ICRC delegates had been received by President Goukouni Oueddei on 24 January, when he handed them a government note reading as follows: "In accordance with the decisions of the 'tendency leaders' reached on 19 January concerning the release of prisoners of war, the "Gouvernement d'union nationale de transition" authorizes the International Red Cross to go into all regions in which there are prisoners, with a view to their total release."

In spite of this, the ICRC delegates have still not been able to carry out this mission and the operations to return prisoners to their homes did not begin on the scheduled date, as a result of dissension. Subsequently the situation became even worse.

Ethiopia

Between the beginning of December 1979 and 20 January 1980 about 100 tons of food, 210 cartons of powdered milk and 46 bales of clothing donated by the ICRC were distributed to the population stricken by the events in the provinces of Harrar, Sidamo and Bale. These goods were distributed by the Ethiopian Red Cross. In addition the National Society delivered to the Meckele and Addis Ababa hospitals blankets which had also been provided by the ICRC.

Djibouti

On 31 January Mr. Eddi Leemann, ICRC regional delegate for East Africa, went to Djibouti, where he stayed ten days. He met the

leaders of the local group of the "Red Crescent" with whom he discussed the question of its future official recognition by the ICRC.

The ICRC regional delegate visited four camps in which there were 14,000 Ethiopian refugees whom the Djibouti "Red Crescent" group is assisting. Following this visit the ICRC decided to allocate to the assistance programmes five tons of powdered milk donated by the Swiss Confederation.

In addition, Mr. Leemann had talks with the Minister of the Interior, who is also chairman of the Government's refugee assistance committee, and with the Director of the Ministry of Health, the Minister of Education, and the Secretary-General of the Ministry of Defence. They agreed that the Geneva Conventions should be taught in the armed services, as well as in schools where the ICRC school textbook will be used. During a further interview on 4 February the Minister of the Interior told Mr. Leemann that his country intended later on to ratify the 1977 Protocols.

Sevchelles

From 11 to 15 February, Mr. Eddi Leemann, ICRC regional delegate for East Africa, was in the Seychelles and met several members of the Government, in particular the Minister of Defence, with whom he discussed the eventuality of the Seychelles Government's ratification of the 1949 Geneva Conventions.

Latin America

Delegate general's mission

The ICRC delegate general for Latin America, Mr. André Pasquier, started on 10 February a one-month mission which took him to seven countries.

In Brazil, to begin with, he met the leaders of the National Society with whom he discussed problems of common interest.

From 14 to 21 February he was in Argentina, where the ICRC regional delegation for the countries of the Southern Cone has its head-quarters. With the delegates he discussed current activities and programmes in the spheres of protection and assistance. He subsequently had talks with the Ministers of the Interior and Justice and with the Army Chief of Staff, on some of the same topics.

Next, in *Uruguay*, Mr. Pasquier had an interview with the Minister of Foreign Affairs. He also had talks with the President and other leading members of the National Red Cross Society, mainly on the organization in Uruguay of a seminar for the armed forces on the dissemination of international humanitarian law. The delegate general also took part in a visit to a prison (see below).

In *Bolivia*, from 2 to 4 March, the ICRC delegate general attended in La Paz the "Meeting of Presidents and organizers of technical seminars of Red Cross Societies in South American Countries".

Mr. Pasquier will complete his mission with visits to Nicaragua and El Salvador.

Argentina

The ICRC delegates in Argentina continued visiting places of detention in January and February. They went in January to the "La Plata" prison for a thorough inspection which lasted several days, during which they saw about 750 detainees. In addition, two sick detainees were visited in the Borda hospital. In February the delegates visited, in three places of detention and a hospital at Cordoba, Rio Quarto and Mendoza, 61 persons in detention for subversion. In Buenos Aires, from 18 to 29 February, they saw 405 women detainees in the "Villa Devoto" prison.

Uruguay

Following an agreement between the ICRC and the Uruguayan authorities, general authorization was granted to the ICRC to visit all civilian and military places of detention in the country. A team of three delegates and an ICRC doctor began a series of visits on 31 January. The ICRC delegate general for Latin America, Mr. André Pasquier, took part in February in a visit to the "Libertad" prison near Montevideo.

Nicaragua

In January and February the ICRC delegates continued protecting and assisting prisoners of war and other persons detained by reason of the events. Some 3,000 detainees were visited in three places of detention in Managua, and more than 1,500 in 14 places of detention in the provinces.

For the first time the ICRC had access to a place of detention under the authority of the Security and in which there were detainees being held for interrogation.

On 13 February an appeal was launched for 2.6 million Swiss francs to finance protection and assistance work during the current year for prisoners of war and civilian detainees in Nicaragua.

El Salvador

The ICRC having been asked to give medical and other assistance to hostages taken on a number of occasions in El Salvador since the beginning of the year, the ICRC medical delegate went several times in January and February to see hostages held by armed bands in banks, ministries, embassies and other buildings in the capital. Each time he administered medical care and he also negotiated the release of some people on health grounds.

The ICRC regional delegate for the Andean countries, with the National Red Cross Society, participated in the transport of casualties in San Salvador after the fighting on 12 February.

The ICRC delegates have now received general authorization to visit detainees in El Salvador.

Asia

A mission by the ICRC President

From 22 February to 12 March, the ICRC President, Mr. Alexandre Hay, accompanied by Mr. Jean-Pierre Hocké, director of the ICRC

Operations Department, and by Mr. Jean de Courten, delegate general for Asia, undertook a mission to three countries of South-East Asia.

In the People's Republic of Kampuchea Mr. Hay, Mr. Hocké and Mr. de Courten met President Heng Samrin, the Minister and Vice-Minister for Foreign Affairs, the Vice-Minister of Health, the leaders of the Red Cross and several local dignitaries. From Phnom Penh they went to Kompong Speu, where the Hungarian Red Cross team is working, and to Takmao, where the Soviet National Society team is based.

On 28 February Mr. Hay, Mr. Hocké and Mr. de Courten went to the Socialist Republic of Viet Nam. At Ho Chi Minh Ville they had discussions with the leading members of the Vietnamese Red Cross. They then visited the National Society's installations in the Mekong Delta provinces. In Hanoi the ICRC President met the Prime Minister, Mr. Pham Van Dong, after which he went to Lang Son near the Chinese border, thus completing the first visit ever made by an ICRC President to Viet Nam.

In Thailand President Hay was received by H.M. King Bhumipol Adulyadej and by H.R.H. Princess Maha Chakri Sirindhorn, Executive President of the Thai Red Cross. Mr. Hay also met Air Chief Marshal Siddhi, Minister for Foreign Affairs and in charge of refugee affairs, and several other members of the Government. The ICRC President went to the frontier region of Aranyaprathet where he visited the relief teams of the joint ICRC-UNICEF mission and saw their work for refugees from Kampuchea.

Assistance to Kampuchea population

In January and February the work carried out jointly by the ICRC and UNICEF for the benefit of the population of Kampuchea made encouraging progress. At the same time, consultations took place in Geneva, New York and in Kampuchea among the senior officials of the various organizations engaged in the relief programmes, with a view to co-ordinating plans and financing this humanitarian action.

Kampuchea

The Government and the Phnom Penh Red Cross have distributed food in several provinces, in the west between Kompong Som and

Phnom Penh, in the north and north-west (Kratié, Kompong Cham and Stung Treng provinces), and in the south and south-east (Svay Rieng and Kampot provinces and the region of Kep). ICRC delegates have at times taken part in Phnom Penh Red Cross distributions, and during their trips in the countryside have seen that the Government was actively distributing.

Lesser quantities of relief goods from the international community were sent to Kampuchea in January in view of the fact that some of the country's warehouses, especially in Kompong Som, were full. The situation improved markedly late in January and in February. Consignments of relief therefore gradually increased, both by air and by sea. The aircrafts chartered by the Red Cross, based on Singapore and Bangkok, made a hundred flights between the end of December and February, taking to Phnom Penh more than 660 tons of food, 168 tons of medical supplies, medicaments, school equipment, blankets and other relief goods, and 83 vehicles. At the same time large quantities of food from WFP and FAO were discharged in the ports of the capital and Kompong Som.

Two medical teams began work in Kampuchea at the beginning of the year. At the end of January a team of ten persons seconded from the Alliance of Red Cross and Red Crescent Societies of the USSR started work in the Takmao hospital (in the Kandal province). At the beginning of February a team of five from the Hungarian Red Cross started work at Kompong Speu, to the west of the capital. A third team, of Polish Red Cross personnel, arrived in Kampuchea at the beginning of March and began its work in the province of Kompong Cham.

Concomitantly with the medical care provided by these teams, many convoys organized by the Red Cross of Phnom Penh have supplied hospitals and dispensaries with medicaments and medical equipment.

Thailand

In the joint operations with UNICEF and the HCR for refugees from Kampuchea, the ICRC has continued its work of medical coordination along the Thai-Khmer frontier. At the beginning of January fighting between rival groups in the region caused some activities to cease for several days.

During the fighting a number of refugees in the camps along the border region were killed and many were wounded. ICRC hospitals and dispensaries were burned and looted and a food convoy was attacked by armed marauders. As a result of this violence, thousands of panic-stricken refugees fled. Some were transferred to the Khao I Dang camp, some swelled the crowds at other assembly points on the border, others surged back into Kampuchea.

To cope with this emergency, the ICRC, UNICEF and voluntary agencies working on the spot took special measures. Medical teams were placed on standby in Khao I Dang and other camps to tend casualties. Delegates' movements and relief distributions along the frontier were restricted or suspended because of the danger. Not until 14 January did a Red Cross convoy return to the camps and went to Phnom Chat. In the days which followed provisioning of other camps was gradually resumed.

In February operations continued as before, and the main concern was the laying of the sanitary infrastructure in the camps in preparation for the coming monsoon, in order to avoid the epidemics which might arise among a large concentration of people in the absence of strict measures of hygiene.

In the medical sphere, problems of malnutrition are diminishing, no doubt as a result of the intensive care administered by the many medical teams over the last few months. The improvement of general health among the Cambodians having sought refuge in Thailand has led the ICRC to start phasing out its medical set-up. The medical teams whose contracts expire are not being replaced.

Referring to another aspect of relief work, we would mention that the delegates of the Central Tracing Agency in Thailand, in a single month, registered more than 150,000 Cambodians in the Khao I Dang, Sakaeo and Kamput camps. The data has now been stored in a computer and will make for the rapid tracing of many persons and reuniting of dispersed families in liaison with the CTA in Geneva and the tracing services of various National Societies in countries which have for years been accepting Cambodian refugees.

Afghanistan

On 22 January an ICRC delegation comprising Mr. Jacques Moreillon, director of the Principles and Law Department, Mr. Dominique

Borel, regional delegate, and Dr. H. W. Jaun, medical delegate, went to Kabul to confer with the Government and Afghan Red Crescent on humanitarian problems caused by recent events.

The following day the three ICRC representatives, accompained by the Secretary-General of the National Society, were received in audience by Mr. Babrak Karmal, President of the Revolutionary Council and Prime Minister of the Democratic Republic of Afghanistan. They also met the Minister of the Interior.

Following these talks, the Aghan Government gave the ICRC a firm assurance that it would in all circumstances respect the principles of the 1949 Geneva Conventions to which Afghanistan is a party, and in particular that all armed forces on Afghan territory would respect their obligations under the Conventions.

In addition, the ICRC was given authorization to visit regularly and without witnesses all political and "security" prisoners and other persons captured during fighting. The ICRC delegation was informed that, on 23 January, there were 57 political prisoners in Afghanistan and no prisoners taken during the fighting.

The ICRC delegation and the Afghan authorities agreed to organize, in co-operation with the National Society, a relief programme for the civilian population affected by the events and a joint ICRC-Afghan Red Crescent tracing office for the transmission of family messages to and from relatives outside the country.

At the end of January Mr. Nicolas Vecsey, assistant director of the ICRC Central Tracing Agency in Geneva, went to Kabul to work out with the Afghan Red Crescent practical arrangements for such action.

On 6 and 7 February the ICRC delegate and doctor visited the Puli Charkhi prison near Kabul, where they saw 42 political detainees.

Following the events which occurred in Kabul at the end of January, the ICRC delegates again approached the authorities in order to gain access to the persons arrested. The ICRC also offered to send medicaments and, if necessary, medical teams, in order to assist the civilian population.

Pakistan

With a view to helping about 500,000 destitute Afghan refugees to face the harsh winter conditions in the mountains of Pakistan, the

International Red Cross, on 30 January 1980, launched an appeal for 14.5 million Swiss francs. The money will be handed to the Pakistan Red Crescent to enable it to participate in the relief operations being supervised by the Pakistan Government.

The Pakistan Red Crescent relief programme, devised with the assistance of the League of Red Cross Societies and of the ICRC, is to provide emergency aid to some 100,000 refugees for a year. For that purpose the National Society has immediate need of large quantities of medical supplies, tents, blankets, quilts, clothing and footwear, stoves for cooking, soap, vehicles, petrol and other relief goods.

The International Red Cross appeal is additional to that which the United Nations Office of the High Commissioner for Refugees (HCR) launched on 16 January.

About 80 per cent of the Afghan refugees now in Pakistan are in the North-West Frontier Province, the remainder in Baluchistan.

Mid-February an ICRC delegate and doctor on the spot started working in close co-operation with League delegates to initiate the National Society's relief programme.

The ICRC having been called upon to provide medical assistance, Dr. Georges Muheim has recruited local medical personnel to form two mobile teams for work in the North-West Frontier Province. Equipped with the necessary vehicles and supplies, they will tend refugees in a dozen camps where dispensaries have been set up under canvas. Medical supplies have been stocked at Peshawar.

One of the vehicles used by the teams is a heavy-duty ambulance with full equipment. It was donated to the ICRC by the Geneva Motor Show on the occasion of its fiftieth anniversary.

Burma/Thailand

The ICRC Vice-President, Mr. Richard Pestalozzi, was in Burma and Thailand during the first fortnight of January.

In Rangoon, as the guest of the Burmese authorities, Mr. Pestalozzi was received by the Head of State, President Ne Win. He also conferred with the leaders of the Burma Red Cross. This visit to Burma—the first by a member of the ICRC for ten years—enabled the ICRC Vice-

President to speak on the institution's activities throughout the world and to strengthen links with the National Society.

Mr. Pestalozzi then went to Thailand where he had various discussions with government officials and with the Thai Red Cross. In Bangkok he also met the representatives of a number of humanitarian organizations taking part in the assistance operations for the benefit of refugees from Kampuchea (e.g. UNICEF, HCR, WFP and voluntary agencies). Mr. Pestalozzi went to the border region where he saw the work being carried out in the field to provide food and medical assistance, and the operations of the Tracing Agency.

Indochinese refugees

The fourth meeting of Red Cross and Red Crescent Societies on the refugee problem in South-East Asia took place in Singapore on 4 and 5 February 1980. The meeting concluded with the adoption of a 12 million Swiss francs budget for the six-month period from 1 February to 31 July 1980.

This budget reflects the determination of the Societies, whether operator or donor, to take every possible step to alleviate the suffering of tens of thousands of people seeking permanent asylum. This budget does not include the cost of operations in Thailand for the refugees from Kampuchea. The Thai Red Cross relief action, which is part of the overall effort undertaken in that country, is included in the budget managed jointly by the ICRC and UNICEF.

The Red Cross efforts are in addition to the programmes established for several months by various national agencies or international organizations such as the United Nations Office of the High Commissioner for Refugees (UNHCR).

During the meeting the eight Red Cross and Red Crescent Societies operating in the region (China, Hong Kong, Indonesia, Macao, Malaysia, Philippines, Singapore and Thailand) asked for continuous support for their emergency actions and expressed their gratitude to the international community for its generous help in the last few years.

In the course of the meeting, organized by the League and the ICRC and hosted by the Singapore Red Cross, the representatives of seventeen countries voiced their extreme concern for refugees who fall into the

hands of pirates. They hoped that the vigorous action taken by authorities concerned would ensure protection for these defenceless people.

On 5 March the League and the ICRC appealed to governments and National Societies to finance the above-mentioned activities according to the budget worked out in Singapore.

Middle East

Israel and occupied territories

The ICRC delegation for Israel and the occupied territories continued visiting detainees undergoing interrogation. This activity being continuous, *International Review* does not give an account of it in every issue.

Several transfers of persons took place in January and February through the intermediary of the ICRC between Israel or the occupied territories and the neighbouring Arab countries.

On 21 January a national of Sri Lanka who had crossed by boat into Israel in the Aqaba region was transferred to Jordan. The boat had been returned by the ICRC on 14 January. Two other infiltrators were handed over to the Jordanian authorities on 13 and 18 February.

On 18 February two Lebanese detainees released by the Israeli authorities were repatriated through Rosh Hanikra (Ras Nakura).

Lebanon

To assist the civilian victims of the fighting which occurred on 12 February in northern Lebanon, the ICRC undertook, with the cooperation of the Lebanese Red Cross, an action of protection and assistance. Food, blankets and other relief goods were distributed to the stricken families and an ICRC nurse was sent to that district to tend the wounded. Dispensaries in the region were supplied with medicaments at the same time.

Simultaneously the ICRC organized the transfer of a child to a Beirut hospital for an operation.

On 20 February an ICRC team and teams of National Society volunteers reached the village of Knat, where the inhabitants had been cut off for several days by the fighting. The delegates conveyed 30 civilians, 17 of them children, to reception centres. They also buried two villagers and brought the body of a combatant back to Beirut.

Tran

Since 24 January a series of visits to places of detention has been in progress in Iran. From 24 to 30 January two delegates visited the Evin prison in Teheran, where there were 800 detainees.

In February an ICRC delegate went to the provinces to continue the series of visits. He saw about 500 detainees in the prisons of Tabriz and Kermanshah.

Dissemination of international humanitarian law

Summary of work in 1979

In 1979 the ICRC, the League and the Henry Dunant Institute, in co-operation with several National Red Cross Societies and, in certain cases, other institutions, organized a number of seminars, regional meetings and training courses intended primarily to disseminate knowledge of international humanitarian law and of Red Cross principles.

As it did last year, *International Review* gives below a summary of some of the work in 1979. It also gives an abridged version of reports on some meetings organized by institutions other than the Red Cross which also take an interest in the dissemination of international humanitarian law.

* *

Since 1977 the ICRC, with the co-operation of National Societies and the League, has organized regional seminars for the study and dissemination of international humanitarian law in Warsaw (1977), Mombasa (1978), Kuala Lumpur (1978), Bogota (1979) and Tunis (1979). An account of the latter two is given below. Another will take place in Amman in April 1980.

Seminar in Colombia

The First Inter-American Seminar on the dissemination of international humanitarian law took place in Bogota from 5 to 15 March 1979. It had been organized jointly by the Colombian Red Cross and the ICRC. It was attended by 22 National Societies of Latin America, a delegate from the League and several from the Spanish Red Cross.

The purpose of the seminar was first and foremost to give participants a general idea of the fundamental principles of international humanitarian law, and then to examine with them the most appropriate ways and means for dissemination among the armed forces, universities, schools and the general public, bearing in mind the peculiarities of each country.

The first week of this seminar was devoted to general lectures on subjects such as "History and nature of international humanitarian law", "The law of war and the Geneva Conventions", "Protocol I and the Geneva Conventions", given by experts from Geneva, Spain and Latin America.

During the second week the participants split into two working groups. One examined methods for dissemination among the armed forces, institutes of higher education, schools and other government institutions. It also considered leadership training and the possible role, scope and methods of National Societies in those circles. The other working group examined dissemination methods among National Societies and the general public; it, too, considered the question of leadership training.

The work of both groups was summarized in the form of conclusions which were then adopted in a plenary meeting. These conclusions constitute an inventory of dissemination methods most suitable to the various circles examined by each group.

In Tunisia, first French-speaking African seminar

This seminar, organized jointly by the ICRC and the Tunisian Red Crescent, took place in Tunis from 9 to 19 October 1979.

It proceeded along similar lines to those adopted by the Bogota seminar: the first week was given over to a series of lectures on various aspects of international humanitarian law given by experts from the ICRC and the African continent.

During the second week the participants split into two working groups which endeavoured to find practical solutions, adapted to each country and each sector, for the dissemination of international humanitarian law principles.

Each working group adopted conclusions which were approved in a plenary meeting.

Seminar in Poland

Following the regional seminar in Warsaw in 1977, the Polish Red Cross decided to organize, in co-operation with the ICRC, three more seminars on international humanitarian law for specific kinds of audiences. The one held in Gdansk in 1978 was for young people; the one we describe below was for university teachers; the third, for doctors, will take place towards the end of 1980.

From 27 August to 1 September 1979 a European seminar on the teaching of international humanitarian law in universities was held in Krakow. This was attended by 39 professors of international public law from 20 countries of Europe and North America. It was organized jointly by the Jagellonian University of Krakow, the Polish Red Cross and the ICRC. The League and the Henry Dunant Institute were also represented at the seminar.

Lectures were given on various aspects of the 1977 Protocols and their impact on international humanitarian law by Professor Nahlik (Poland), Professor Kalshoven (Netherlands), Professor Herczegh (Hungary), Professor Bothe (Federal Republic of Germany), Professor Denise Bindschedler-Robert (Member of the ICRC) and Professor Patrnogic (of the League).

Swiss Red Cross seminar

The Swiss Junior Red Cross, jointly with the "Société pédagogique vaudoise" organized a European seminar for secondary school teachers. It took place from 9 to 15 July and was attended by ICRC and League representatives.

The theme of the seminar was "How to teach the fundamental Red Cross principles". Discussions, based on the "Commentary" by Mr. Jean Pictet, centred on only four of the principles, namely humanity, impartiality, voluntary service and neutrality. The meeting drew up a form of guide for schoolteachers giving instruction in the fundamental principles.

Seminar of the Spanish Red Cross

From 1 to 4 November 1979, a seminar on the assessment and dissemination of the *Red Cross Teaching Guide* was held in Sitges, near Barcelona.

This seminar, organized by the Spanish Red Cross, was attended by delegates from the Junior sections of eight European National Societies and by representatives from the League and the ICRC.

In the course of the meeting, participants exchanged experiences on the dissemination of the *Teaching Guide*; the information enabled delegates from countries not yet using the *Guide* to devise a programme for its introduction in the schools in their countries and for its dissemination.

Libyan Red Crescent seminar

The Second Regional Seminar for Arab Red Crescent and Red Cross Youth Leaders was held from 10 to 19 December in Tripoli (Libya) and was attended by about seventy participants from sixteen countries. It had been organized jointly by the Libyan Red Crescent, the League and the ICRC.

As in the case of other similar seminars, the ICRC Documentation and Dissemination Division delegated one of its staff to speak on various aspects of the history of the Red Cross, international humanitarian law and ICRC publications.

The Arabic versions of the school textbook *The Red Crescent and My Country* and the *Red Cross Teaching Guide* were very fully commented upon by the ICRC and League delegates. During the seminar, a number of ICRC films with Arabic commentary were shown.

The participants expressed their keen appreciation of the ICRC's publications in Arabic and hoped that its activities in this sphere would be continued.

Introductory course in international Red Cross activities at the Henry Dunant Institute

Since 1974, the Henry Dunant Institute has organized training courses for senior members and leaders of National Red Cross Societies, with the purpose of acquainting them with the international activities of the Red Cross. The first course was given in September of that year; the second, at which the lectures and discussions were in French, in May 1978.

A third course of this kind, in English, was organized by the Institute. It took place from 10 to 17 May 1979 and was attended by 29 participants from 20 countries of Europe, Asia and Africa.

A fourth course, in French, will be held in May-June 1980 and with the invaluable assistance of the Spanish Red Cross it is planned to organize a fifth in November-December 1980 for the leaders and senior officials of Spanish-speaking National Societies.

Seminar for medical officers at Geneva

The International Committee of Military Medicine and Pharmacy, taking the San Remo courses as a model, organized, from 24 to 31 October 1979, the First Seminar on International Humanitarian Law for Officers of the Medical Services of the Armed Forces. This was the first seminar of its kind, designed to meet the needs that had become apparent at the Eighth International Proficiency Course for Young Military Doctors in 1977 at Munich.

This seminar, conducted in French and placed under the high patronage of the Swiss Defence Department and of the ICRC, took place at the Henry Dunant Institute, Geneva. It was led by Division Colonel Käser, former director of the Swiss Army medical service and former head physician at the ICRC, for the intention of officers and some directors of the medical services of the following countries: Algeria, Argentina, Belgium, Central African Republic, Germany (Federal Republic of), Haiti, Italy, Ivory Coast, Mali, Peru, Poland, Spain, Switzerland and Venezuela. This first attempt having proved to be satisfactory, a similar seminar, this time in English, will be organized in the second half of 1980, in Geneva.

Seminar for journalists at the Henry Dunant Institute

From 4 to 9 November 1979, fifteen Danish journalists gathered for a seminar at the Henry Dunant Institute in Geneva. The initiative for this seminar was taken by the Danish Red Cross, which bore the cost.

Several members of the ICRC secretariat delivered lectures, and during a visit to the International Committee of the Red Cross Head-quarters the journalists had talks with various officials on subjects in which they were particularly interested.

The journalists also visited the League, the UNDRO and HCR and met their colleagues accredited to the United Nations in Geneva.

The seminar organizers endeavoured to give a vivid image of the International Red Cross, illustrating with actual examples, so far as possible, the various themes discussed during the seminar.

The Henry Dunant Institute plans to develop such seminars on the Red Cross and international humanitarian law for people who are not members of the Red Cross.

Second African Seminar in Cameroon

With the purpose of contributing towards the dissemination of international humanitarian law and in order to give effect to the wishes expressed by the First African Seminar in 1977, the Henry Dunant Institute and the Cameroon Institute of International Relations organized the Second African Seminar on international humanitarian law, held at Yaoundé from 27 November to 5 December 1979.

The programme included an examination of the principles and fundamental rules of humanitarian law and the study of some specific questions relating to human rights. The seminar ended with a round table meeting to discuss "Africa and international humanitarian law".

Forty-eight persons from twenty African countries took part in the seminar. They included representatives of the Ministries of Foreign Affairs and of the armed forces, and professors and teachers from many African universities.

International courses for officers at San Remo

In 1979, the International Institute of Humanitarian Law organized two international courses on the law of war for officers. The courses were held at the Institute at San Remo and were directed by Lieutenant Colonel de Mulinen (general staff officer of the Swiss Army), delegate of the ICRC to the armed forces and director of the military courses of the Institute.

The sixth course, conducted in English, took place from 2 to 9 May and was attended by participants from fifteen countries: Belgium, Canada, Egypt, Finland, Germany (Federal Republic of), Iraq, Italy, Netherlands, Norway, Sudan, Sweden, Switzerland, United Kingdom, United States and Yugoslavia. The seventh course was in French and was held from 5 to 12 September with officers from the following seven countries: Benin, Canada, Egypt, Germany (Federal Republic of), Italy, Spain and Switzerland.

In the light of the lessons learnt at the previous five courses, the study of the law of war was based even more completely on tactical

information, so as to come closer to reality. Using a sand table and a number of model vehicles, weapons, ambulances, houses of different kinds and toy figures representing soldiers and civilians, it is quite a simple matter to devise exercises and practical demonstrations (for example, to show the use of the red cross or red crescent).

The participants' level of education, abilities and ranks have all tended to rise. At general staff level, the work was accordingly more detailed and the discussions went deeper. Consequently, as from 1980, the courses will take up ten full days (two five-day periods, Monday to Friday) and the main emphasis will be laid on air and naval warfare.

International colloquium in Monaco

An international colloquium on the teaching of human rights through children's newspapers was held in Monaco from 1 to 16 November. It was organized by the Monaco National Commission for UNESCO and the World Association of Young People's Friends, on the initiative of the UNESCO Human Rights Division.

The purpose of the meeting was to give effect to one of the recommendations contained in the final report of the International Congress on the Teaching of Human Rights in Vienna, September 1978, according to which it was important to develop education in Human Rights not only in school but also as an extra-mural subject.

The ICRC, which intends to produce strip cartoons on the Red Cross, took part in this colloquium in order to examine the possibility of launching such publications on the children's newspaper market.

Two resolutions

of the World Administrative Radio Conference (WARC 79) in favour of Red Cross Emergency Radiocommunications

The World Administrative Radio Conference (WARC 79), where the Red Cross was represented by an ICRC observer, completed its work on 6 December 1979 with the signature of the Final Acts, to which the new Radio Regulations (Geneva 1979) are appended. The members of the International Telecommunication Union (ITU) now have to notify the ITU Secretary General of their approval of these Regulations. The Secretary General will then, without delay, inform the members of such expressions of approval.

In accordance with Resolution IX of the Twenty-third International Red Cross Conference, held in Bucharest in 1977, the delegates of the national telecommunication administrations and the ITU officials examined with sympathetic attention—to which the ICRC is pleased to pay tribute— the question of Red Cross emergency radiocommunications, as part of the work of several commissions of WARC 79.

The importance of this problem had been highlighted in an article published in the *International Review of the Red Cross* ¹ shortly before WARC 79 began its work. It will be recalled that the Conference was being asked to recognize the need for Red Cross emergency radio-communications and to agree that, should there be any redistribution of frequencies among the different services, it should not result in too substantial changes in the frequencies that the International Red Cross—and notably the ICRC—had been using for over fifteen years.

¹ March-April 1979.

The International Telecommunication Convention lays down the scope of the powers held by the World Administrative Conferences, which may only allocate the range of the electromagnetic frequencies among recognized "services", such as the regular service, the maritime and aeronautical mobile services, the radio-astronomy service, the amateur radio service, etc. Consequently, the national telecommunication administrations in each country are responsible for granting or assigning frequencies to those users who apply. These provisions explain why WARC 79 unanimously adopted Resolution AF, reprinted in full below, concerning the use of radio-telegraph and radio-telephone links by Red Cross, Red Crescent and Red-Lion-and-Sun organizations. The Resolution replaces and cancels Recommendation No. 34 of the 1959 World Administrative Conference.

By referring to this Resolution, those National Red Cross Societies wishing to set up their own emergency radiocommunication network can approach their national telecommunication administration to request allocation of the necessary frequencies. The Resolution does not have any major implications for the frequencies that the Swiss PTT authorities have assigned to the ICRC, nor for those that other national administrations have allocated to their countries' Red Cross Societies.

In the event of natural disaster, there may be a breakdown in communications, generally of a short-term nature. In such cases, WARC 79 has provided for relief organizations the use of frequencies on wavebands normally reserved for amateur radio services, and it also unanimously adopted *Resolution BN* relating to the international use of radiocommunication on wavebands allocated to the amateur service, in the event of natural disaster.

In adopting these two Resolutions—one for the extended usage of radiocommunication by the International Red Cross, particularly by the ICRC, in periods of crisis and armed conflicts, the other for radiocommunication during short breakdowns caused by natural disasters—WARC 79 has emphasized the need for a means of communication that is both reliable and protected from interference.

Several texts and Resolutions within the new Radio Regulations, which concern humanitarian activities, will be dealt with in a future article.

The ICRC will willingly provide interested parties with more detailed information on any questions related to emergency or other radio-communication.

WARC 79 has once more demonstrated the very positive attitude that the national telecommunication administrations, the International

Telecommunication Union and all the other specialized international organizations adopt towards the Red Cross, and their keen interest in humanitarian problems.

Ph. Eberlin

RESOLUTION AF

Relating to the Use of Radiotelegraph and Radiotelephone links by Red Cross, Red Crescent, and Red Lion and Sun Organizations

The World Administrative Radio Conference, Geneva, 1979,

considering

- a) that the worldwide relief work of the Red Cross, Red Crescent, and Red Lion and Sun organizations is of increasing importance and often indispensable:
- b) that in such circumstances normal communication facilities are frequently overloaded, damaged, completely interrupted or not available:
- c) that it is necessary to facilitate by all possible measures the reliable intervention of these national and international organizations;
- d) that rapid and independent contact is essential to the intervention of these organizations;
- e) that for international relief work of the Red Cross, it is necessary that the national Red Cross (Red Crescent and Red Lion and Sun) organizations be able to communicate with each other as well as with the International Committee of the Red Cross and the League of Red Cross Societies;

decides to urge Administrations

1. to take account of the possible needs of the Red Cross, Red Crescent, and Red Lion and Sun organizations for communication by radio when normal communication facilities are interrupted or not available;

- to assign to these organizations the minimum number of necessary working frequencies in accordance with the Table of Frequency Allocations; in the case of fixed circuits between 3 and 30 MHz, the frequencies shall be selected as far as possible adjacent to the amateur bands;
- 3. to take all practicable steps to protect such links from harmful interference

RESOLUTION BN

Relating to the International Use of Radiocommunications, in the Event of Natural Disasters, in Frequency Bands Allocated to the Amateur Service

The World Administrative Radio Conference, Geneva, 1979,

considering

- a) that in the event of natural disaster normal communication systems are frequently overloaded, damaged, or completely disrupted;
- b) that rapid establishment of communication is essential to facilitate worldwide relief actions;
- c) that the amateur bands are not bound by international plans or notification procedures, and are therefore well adapted for shortterm use in emergency cases;
- d) that international disaster communications would be facilitated by temporary use of certain frequency bands allocated to the amateur service;
- e) that under those circumstances the stations of the amateur service, because of their widespread distribution and their demonstrated capacity in such cases, can assist in meeting essential communication needs;
- f) the existence of national and regional amateur emergency networks using frequencies throughout the bands allocated to the amateur service;

g) that in the event of a natural disaster, direct communication between amateur stations and other stations might enable vital communications to be carried out until normal communications are restored:

recognizing

that the rights and responsibilities for communications in the event of a natural disaster rest with the administrations involved:

resolves

- 1. that the bands allocated to the amateur service which are specified in No. 3499A may be used by administrations to meet the needs of international disaster communications;
- 2. that such use of these bands shall be only for communications in relation to relief operations in connection with natural disasters;
- that the use of specified bands allocated to the amateur service by non-amateur stations for disaster communications shall be limited to the duration of the emergency and to the specific geographical areas as defined by the responsible authority of the affected country;
- 4. that disaster communications shall take place within the disaster area and between the disaster area and the permanent headquarters of the organization providing relief;
- 5. that such communications shall be carried out only with the consent of the administration of the country in which the disaster has occurred;
- 6. that relief communications provided from outside the country in which the disaster has occurred shall not replace existing national or international amateur emergency networks;
- 7. That close cooperation is desirable between amateur stations and the stations of other radio services which may find it necessary to use amateur frequencies in disaster communications:
- 8. that such international relief communications shall avoid, as far as practicable, interference to the amateur service networks:

invites administrations

- 1. to provide for the needs of international disaster communications;
- 2. to provide for the needs of emergency communications within their national regulations.

* *

This Resolution is supplemented, in the table of frequency band allocations, Article N 7/5 of the Radio Regulations, by the following practical provision which is the subject of Note No. 3499 A, reading as follows:

For the use of the bands allocated to the amateur service at 3.5 MHz, 7.0 MHz, 10.1 MHz, 14.0 MHz, 18.068 MHz, 21.0 MHz, 24.89 MHz and 144 MHz in the event of natural disasters, see Resolution BN.

DAVID P. FORSYTHE: HUMANITARIAN POLITICS 1

David P. Forsythe, a professor of political science at Nebraska University, contributed to the re-appraisal of the role of the Red Cross directed by Mr. D. Tansley and completed in 1975. He was the author of the background document entitled "Present Role of the Red Cross in Protection" and his conclusions were reproduced by Mr. Tansley in his final Report "An Agenda for Red Cross".

In the course of his research, Mr. Forsythe thoroughly examined the ICRC and its activities and in his book he gives the English-speaking reader a good overall view of the institution.

After a foreword and a general introduction, Mr. Forsythe describes the ICRC's position in the Red Cross movement and the international system; he gives an account of the way in which the ICRC works, its quasi-diplomatic methods and its efforts to bring about international regulations more favourable to the victims of armed conflicts.

He devotes a chapter to the administrative organization and financial and manpower resources of the ICRC. In his conclusions and epilogue he attempts to predict the position and activities of the ICRC in future years.

The book contains, by way of an annex, the text of the Conditions for the recognition of National Societies, the 1969 Agreement between the League of Red Cross Societies and the ICRC, and other documents, but not, unfortunately, the Statutes of the International Red Cross or of the ICRC.

On some subjects the author expresses views which are debatable. Nevertheless, on the whole, Mr. Forsythe gives an accurate picture of the ICRC and its activities, and his book will certainly contribute to a better knowledge of the institution in English-speaking countries.

C. P.

¹ David P. Forsythe: *Humanitarian Politics—The International Committee of the Red Cross*. The Johns Hopkins University Press, Baltimore and London, 1977, 298 pages.

W. D. KISCHLAT: CONVENTION ON THE PROHIBITION OF BIOLOGICAL WEAPONS ¹

It is common knowledge that weapons of mass destruction constitute one of the fundamental problems of our epoch, since a large-scale use of such weapons could jeopardize the very survival of the human race. When weapons of mass destruction are referred to, most people think of nuclear weapons. But, quite rightly, chemical and biological weapons are also included in this category, for the threat to spread poisonous gases or to inoculate whole areas with the germs of plague or cholera is just as terrible.

However, while there is no likelihood of agreement being reached in the near future on the prohibition of the use of nuclear weapons, in view of the enormous strategic advantages at stake, and while negotiations on chemical weapons continue indefinitely, the talks on biological weapons were successfully concluded with the adoption, in 1972, of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxic Weapons and on their Destruction.

Mr. Kischlat's important work is on this particular Convention. After having outlined the different means of combat and enumerated the various chemical and bacteriological weapons, he examines the process which led to the drafting of the Convention. The major part of the book is devoted to a detailed analysis of each one of the Convention's provisions. In his conclusion, the author stresses the Convention's significance, not only because of the rules established by it but also because of the innovations it introduces in the field of disarmament and the restrictions laid on means of combat.

Under Article 1 (b) of the Convention, States Parties to the Convention undertake never to acquire or retain material designed to use biological or toxic agents for hostile purposes or in armed conflict. An important conclusion to be drawn is that non-international armed conflicts and even police operations are covered by this prohibition.

Y.S.

¹ Wolf-Dieter Kischlat: Das Übereinkommen über das Verbot der Entwicklung, Herstellung und Lagerung bakteriologischer (biologischer) Waffen und von Toxin-Waffen sowie über die Vernichtung solcher Waffen. Haag und Herchen Verlag, Frankfurt, 1976, 252 pages.

EXTRACT FROM THE STATUTES OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS

ADOPTED 21 JUNE 1973

ART. 1. - International Committee of the Red Cross

- e. The International Committee of the Red Cross (ICRC), founded in Geneva in 1863 and formally recognized in the Geneva Conventions and by International Conferences of the Red Cross, shall be an independent organization having its own Statutes,
 - 2. It shall be a constituent part of the International Red Cross. 1

ART, 2. - Legal Status

As an association governed by Articles 60 and following of the Swiss Civil Code, the ICRC shall have legal personality.

ART, 3. — Headquarters and Emblem

The headquarters of the ICRC shall be in Geneva. Its emblem shall be a red cross on a white ground. Its motto shall be Inter arma caritas.

ART. 4. - Role

- 1. The special role of the ICRC shall be:
- (a) to maintain the fundamental principles of the Red Cross as proclaimed by the XXth International Conference of the Red Cross;
- (b) to recognize any newly established or reconstitued National Red Cross Society which fulfils the conditions for recognition in force, and to notify other National Societies of such recognition;
- (c) to undertake the tasks incumbent of in under the Geneva Conventions, to work for the faithful application of these Conventions and to take cognizance of any complaints regarding alleged breaches of the humanitarian Conventions;
- (d) to take action in its capacity as a neutral institution, especially in case of war, civil war or internal strife; to endeavour to ensure at all times that the military and civilian victims of such conflicts and of their direct results receive protection and assistance, and to serve in humanitarian matters, as an intermediary between the parties;
- (e) to ensure the operation of the Central Information Agencies provided for in the Geneva Conventions;
- (f) to contribute, in view of such conflicts, to the preparation and development of medical personnel and medical equipment, in co-operation with the Red Cross organizations, the medical services of the armed forces, and other competent authorities;
- (g) to work for the continual improvement of humanitarian international law and for the better understanding and diffusion of the Geneva Conventions and to prepare for their possible extension;
- (h) to accept the mandates entrusted to it by the International Conferences of the Red Cross.
- 2. The ICRC may also take any humanitarian initiative which comes within its role as a specifically neutral and independent institution and consider any question requiring examination by such an institution.

ART. 6 (first paragraph). - Membership of the ICRC

The ICRC shall co-opt its members from among Swiss citizens. It shall comprise fifteen to twenty-five members,

¹ The International Red Cross comprises the National Red Cross Societies, the International Committee of the Red Cross and the League of Red Cross Societies. The term "National Red Cross Societies" includes the Red Crescent Societies and the Red Lion and Sun Society.

ADDRESSES OF NATIONAL SOCIETIES

- AFGHANISTAN (Democratic Republic) Afghan Red Crescent, Puli Artan, Kabul.
- PEOPLE'S SOCIALIST REPUBLIC OF ALBANIA - Albanian Red Cross, 35, Rruga e Barrikadavet, Tirana
- ALGERIA (Democratic and People's Republic) - Algerian Red Crescent Society, 15 bis, Boulevard Mohamed V, Algiers.
- ARGENTINA Argentine Red Cross, H. Yrigoyen 2068, 1089 Buenos Aires.
- AUSTRALIA Australian Red Cross, 206, Clarendon Street, East Melbourne 3002.
- AUSTRIA Austrian Red Cross, 3 Gusshausstrasse, Postfach 39, Vienna 4.
- BAHAMAS Bahamas Red Cross Society, P.O. Box N 91, Nassau.
- BAHRAIN Bahrain Red Crescent Society, P.O. Box 882, Manama.
- BANGLADESH Bangladesh Red Cross Society, 34, Bangabandhu Avenue, Dacca 2.
- PEOPLE'S REPUBLIC OF BENIN Red Cross of Benin, B.P. 1, Porto Novo.
- BELGIUM Belgian Red Cross, 98 Chaussée de Vleurgat, 1050 Brussels
- BOLIVIA Bolivian Red Cross, Avenida Simón Bolívar, 1515, La Paz.
- BOTSWANA Botswana Red Cross Society, Independence Avenue, P.O. Box 485, Gaborone. BRAZIL - Brazilian Red Cross, Praça Cruz Vermelha 10-12, Rio de Janeiro.
- BULGARIA Bulgarian Red Cross, 1, Boul. Biruzov, Sofia 27.
- BURMA (Socialist Republic of the Union of) --Burma Red Cross, 42 Strand Road, Red Cross Building, Rangoon.
- BURUNDI Red Cross Society of Burundi, rue du Marché 3, P.O. Box 324, Bujumbura.
- CAMEROON Cameroon Red Cross Society. rue Henry-Dunant, P.O.B. 631, Yaoundé.
- CANADA Canadian Red Cross, 95 Wellesley Street East, Toronto, Ontario, M4Y 1H6.
- CENTRAL AFRICAN REPUBLIC Central African Red Cross, B.P. 1428, Bangui.
- CHILE Chilean Red Cross, Avenida Santa María 0150, Correo 21, Casilla 246V., Santiago.
- CHINA (People's Republic) Red Cross Society of China, 53 Kanmien Hutung, Peking.
- COLOMBIA Colombian Red Cross, Carrera 7a, 34-65, Apartado nacional 1110, Bogotá D.E.
- CONGO, PEOPLE'S REPUBLIC OF THE Croix-Rouge Congolaise, place de la Paix, Brazzaville.
- COSTA RICA Costa Rican Red Cross, Calle 14, Avenida 8, Apartado 1025, San José.
- CUBA Cuban Red Cross, Calle 23 201 esq. N. Vedado, Havana.
- CZECHOSLOVAKIA Czechoslovak Red Cross, Thunovska 18, 118 04 Prague 1.
- DENMARK Danish Red Cross, Ny Vestergade 17, DK-1741 Copenhagen K.
- DOMINICAN REPUBLIC Dominican Red Cross, Apartado Postal 1293, Santo Domingo. Dominican Red
- ECUADOR Ecuadorian Red Cross, Calle de la Cruz Roja y Avenida Colombia, 118, Quito.
- EGYPT (Arab Republic of) Egyptian Red Crescent Society, 29, El-Galaa Street, Cairo.
- EL SALVADOR El Salvador Red Cross, 3a Avenida Norte y 3a Calle Poniente, San Salvador, C.A.

- ETHIOPIA Ethiopian Red Cross, Damtew Avenue, Addis Ababa.
- FIJI Fiji Red Cross Society, 193 Rodwell Road. P.O. Box 569, Suva.
- FINLAND Finnish Red Cross, Tehtaankatu 1 A, Box 168, 00141 Helsinki 14/15.
- FRANCE French Red Cross, 17 rue Quentin Bauchart, F-75384 Paris CEDEX 08.
- GAMBIA The Gambia Red Cross Society, P.O. Box 472, Banjul.
- GERMAN DEMOCRATIC REPUBLIC German Red Cross in the German Democratic Republic, Kaitzerstrasse 2, DDR 801 Dresden 1.
- GERMANY, FEDERAL REPUBLIC OF—German Red Cross in the Federal Republic of Germany, Friedrich-Ebert-Allee 71, 5300, Bonn 1, Postfach (D.B.R.).
- GHANA Ghana Red Cross, National Headquarters, Ministries Annex A3, P.O. Box 835, Accra.
- GREECE Hellenic Red Cross, rue Lycavittou 1, Athens 135.
- GUATEMALA Guatemalan Red Cross, 3º Calle 8-40, Zona 1, Ciudad de Guatemala.
- GUYANA Guyana Red Cross, P.O. Box 351, Eve Leary, Georgetown.
- HAITI Haiti Red Cross, Place des Nations Unies, B.P. 1337, Port-au-Prince.
- HONDURAS Honduran Red Cross, 7a Calle, la y 2a Avenidas, Comayagüela, D.M.
- HUNGARY Hungarian Red Cross, V. Arany János utca 31, Budapest V. Mail Add.: 1367 Budapest 5, Pf. 249.
- ICELAND Icelandic Red Cross, Nóatúni 21, 105 Reykjavik.
- INDIA Indian Red Cross, 1 Red Cross Road, New Delhi 110001.
- Indonesian Red Cross, Jalan INDONESIA — Abdul Muis 66, P.O. Box 2009, Djakarta.
- IRAN Iranian Red Lion and Sun Society, Av. Villa, Carrefour Takhté Djamchid. Teheran.
- IRAO Iraqi Red Crescent, Al-Mansour, Baghdad. IRELAND — Irish Red Cross, 16 Merrion Square. Dublin 2.
- ITALY Italian Red Cross, 12 via Toscana, Rome. IVORY COAST — Ivory Coast Red Cross Society, B.P. 1244, Abidjan.
- JAMAICA Jamaica Red Cross Society, 76 Arnold Road, Kingston 5.
- JAPAN Japanese Red Cross, 1-3 Shiba-Daimon 1chome, Minato-Ku, Tokyo 105.
- JORDAN Jordan National Red Crescent Society, P.O. Box 10 001, Amman.
- KENYA Kenya Red Cross Society, St. John's
- Gate, P.O. Box 40712, Natrobi.

 KOREA, DEMOCRATIC PEOPLE'S REPUBLIC

 OF Red Cross Society of the Democratic People's Republic of Korea, Pyongyang.
- KOREA, REPUBLIC OF -- The Republic of Korea National Red Cross, 32-3Ka Nam San-Dong, Seoul.
- KUWAIT Kuwait Red Crescent Society, P.O. Box 1350, Kuwait.
- LAO PEOPLE'S DEMOCRATIC REPUBLIC -Lao Red Cross, P.B. 650, Vientiane.
- LEBANON Lebanese Red Cross, rue Spears, Beirut.
- LESOTHO Lesotho Red Cross Society, P.O. Box 366, Maseru.

- LIBERIA Liberian National Red Cross, National Headquarters, 107 Lynch Street, P.O. Box 226, Monrovia.
- LIBYAN ARAB JAMAHIRIYA Libyan Arab Red Crescent, P.O. Box 541, Benghazi.
- LIECHTENSTEIN Liechtenstein Red Cross, Vaduz.
- LUXEMBOURG Luxembourg Red Cross, Parc de la Ville, C.P. 404, Luxembourg.
- MALAGASY REPUBLIC Red Cross Society of the Malagasy Republic, rue Patrice Lumumba, Antananarivo.
- MALAWI Malawi Red Cross, Hall Road, Blantyre (P.O. Box 30080, Chichiri, Blantyre 3).
- MALAYSIA Malaysian Red Crescent Society, JKR 2358, Jalan Tun Ismail, Kuala Lumpur 11-02. MALI — Mali Red Cross, B.P 280, Bamako.
- MAURITANIA Mauritanian Red Crescent Society, B.P. 344, Avenue Gamal Abdel Nasser, Nouakchott.
- MAURITIUS Mauritius Red Cross, Ste Thérèse Street, Curepipe.
- MEXICO Mexican Red Cross, Avenida Ejército Nacional nº 1032, México 10 D.F.
- MONACO Red Cross of Monaco, 27 boul. de Suisse, *Monte Carlo*.
- MONGOLIA Red Cross Society of the Mongolian People's Republic, Central Post Office, Post Box 537, Ulan Bator.
- MOROCCO Moroccan Red Crescent, B.P. 189, Rabat.
- NEPAL Nepal Red Cross Society, Tahachal, P.B. 217, Kathmandu.
- NETHERLANDS Netherlands Red Cross, 27 Prinsessegracht, The Hague.
- NEW ZEALAND New Zealand Red Cross, Red Cross House, 14 Hill Street, Wellington 1. (P.O. Box 12-140, Wellington North.)
- NICARAGUA -- Nicaragua Red Cross, D.N. Apartado 3279, Managua.
- NIGER Red Cross Society of Niger, B.P. 386, Niamey.
- NIGERIA Nigerian Red Cross Society, Eko Aketa Close, off St. Gregory Rd., P.O. Box 764, Lagos.
- NORWAY Norwegian Red Cross, Drammensveien 20 A, Oslo 2, Mail add.: Postboks 2338, Solli, Oslo 2.
- PAKISTAN Pakistan Red Crescent Society, National Headquarters, 169, Sarwar Road, Rawalpindi.
- PAPUA NEW GUINEA Red Cross of Papua New Guinea, P.O. Box 6545, Boroko.
- PANAMA Panamanian Red Cross, Apartado Postal 668, Zona 1, Panamá.
- PARAGUAY Paraguayan Red Cross, Brasil 216, Asunción.
- PERU Peruvian Red Cross, Jirón Chancay 881, Lima.
- PHILIPPINES Philippine National Red Cross, 860 United Nations Avenue, P.O.B. 280, Manila D 2803.
- POLAND Polish Red Cross, Mokotowska 14, Warsaw.
- PORTUGAL Portuguese Red Cross, Jardim 9 Abril, 1 a 5, Lisbon 3.
- ROMANIA Red Cross of the Socialist Republic of Romania, Strada Biserica Amzei 29, Bucarest.
- SAN MARINO San Marino Red Cross, Palais gouvernemental, San Marino.

- SAUDI ARABIA Saudi Arabian Red Crescent, Riyadh.
- SENEGAL Senegalese Red Cross Society, Bd Franklin-Roosevelt, P.O.B. 299, Dakar.
- SIERRA LEONE Sierra Leone Red Cross Society, 6A Liverpool Street, P.O.B. 427, Freetown.
- SINGAPORE Singapore Red Cross Society, 15 Penang Lane, Singapore 0923.
- SOMALIA (DEMOCRATIC REPUBLIC)—Somali Red Crescent Society, P.O. Box 937, Mogadishu.
- SOUTH AFRICA South African Red Cross, Cor. Kruis & Market Streets, P.O.B. 8726, Johannesburg 2001.
- SPAIN Spanish Red Cross, Eduardo Dato 16, Madrid 10.
- SRI LANKA (Dem. Soc. Rep. of) Sri Lanka Red Cross Society, 106 Dharmapala Mawatha, Colombo 7.
- SUDAN Sudanese Red Crescent, P.O. Box 235, Khartoum.
- SWAZILAND Baphalali Swaziland Red Cross Society, P.O. Box 377, Mbabane.
- SWEDEN Swedish Red Cross, Fack, S-104 40 Stockholm 14.
- SWITZERLAND Swiss Red Cross, Rainmattstr. 10, B.P. 2699, 3001 Berne.
- SYRIAN ARAB REPUBLIC Syrian Red Crescent, Bd Mahdi Ben Barake, Damascus.
- TANZANIA Tanzania Red Cross Society, Upanga Road, P.O.B. 1133, Dar es Salaam.
- THAILAND Thai Red Cross Society, Paribatra Building, Chulalongkorn Memorial Hospital, Bangkok.
- TOGO Togolese Red Cross Society, 51 rue Boko Soga, P.O. Box 655, Lomé.
- TRINIDAD AND TOBAGO Trinidad and Tobago Red Cross Society, Wrightson Road West, P.O. Box 357, Port of Spain, Trinidad, West Indies.
- TUNISIA Tunisian Red Crescent, 19 rue d'Angleterre, *Tunis*.
- TURKEY Turkish Red Crescent, Yenisehir, Ankara.
- UGANDA Uganda Red Cross, Nabunya Road, P.O. Box 494, Kampala.
- UNITED KINGDOM British Red Cross, 9 Grosvenor Crescent, London, SWIX 7EJ.
- UPPER VOLTA Upper Volta Red Cross, P.O.B. 340, Ouagadougou.
- URUGUAY Uruguayan Red Cross, Avenida 8 de Octubre 2990, Montevideo.
- U.S.A. American National Red Cross, 17th and D Streets, N.W., Washington, D.C. 20006.
- U.S.S.R. Alliance of Red Cross and Red Crescent Societies, I. Tcheremushkinskii proezd 5, Moscow 117036.
- VENEZUELA Venezuelan Red Cross, Avenida Andrés Bello No. 4, Apart. 3185, Caracas.
- VIET NAM, SOCIALIST REPUBLIC OF Red Cross of Viet Nam, 68 rue Bà-Trièu, *Hanoi*. YUGOSLAVIA — Red Cross of Yugoslavia,
 - Simina ulica broj 19, Belgrade.
- REPUBLIC OF ZAIRE Red Cross of the Republic of Zaire, 41 av. de la Justice, B.P. 1712, Kinshasa.
- ZAMBIA Zambia Red Cross, P.O. Box R.W.1 2837 Brentwood Drive, Lusaka.